

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC.,)	
)	
Plaintiff,)	
v.)	C.A. No. 06-230 (GMS)
)	
APOTEX, INC.,)	
)	
Defendant.)	
)	

STIPULATION AND ORDER

Whereas Apotex, Inc. has filed a Motion for Leave to File Its First Amended Answer, Affirmative Defenses, and Counterclaims (D.I. 28), which *inter alia* seeks to add a new collateral estoppel affirmative defense and a new antitrust counterclaim to this action, and

Whereas Merck & Co., Inc. has asked for an extension of time in order to have sufficient time to respond to these newly raised allegations;

IT IS HEREBY STIPULATED by Merck and Apotex, subject to the approval of the Court, that the date by which Merck may file its response to Apotex's Motion for Leave to File Its First Amended Answer, Affirmative Defenses, and Counterclaims is extended to and including November 7, 2006.

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Attorneys for Defendant Apotex, Inc.

SO ORDERED this ____ day of October, 2006.

UNITED STATES DISTRICT JUDGE

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